

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Boards of Trustees of the :
Ohio Laborers' Fringe Benefit :
Programs, :

Plaintiffs, :

v. : Case No. 2:07-cv-0242

Douglas Wilcox, individually : JUDGE WATSON
and d/b/a Wilcox Masonry, :

Defendant.

REPORT AND RECOMMENDATION

The defendant did not appear for the hearing on October 19, 2007, that was scheduled for purposes of determining what sanctions should be imposed based on the Court's prior finding that defendant is in contempt. Counsel for plaintiffs stated that he has received no further documents from defendant since the prior hearing. It is therefore recommended that the defendant be arrested by the United States Marshal and incarcerated until he purges himself of contempt. The contempt will be purged upon the defendant's production of records sufficient to permit an audit of defendant's payroll from October 1, 2004 to the date of production, excluding any such records that have already been produced (which the Court understands are records for calendar year 2006).

The Clerk shall serve this report and recommendation upon defendant by regular and certified mail.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within ten (10) days of the date of this Report, file and serve on all parties written objections to

those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A judge of this Court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the magistrate judge with instructions. 28 U.S.C. §636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

/s/ Terence P. Kemp

United States Magistrate Judge